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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,536	04/12/2004	Ming-Hsueh Tsai	10114051	3337

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QUINTERO LAW OFFICE, PC  
2210 MAIN STREET, SUITE 200  
SANTA MONICA, CA 90405

EXAMINER
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MA, CALVIN

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,536	<b>Applicant(s)</b> TSAI ET AL.	
	<b>Examiner</b> Calvin Ma	<b>Art Unit</b> 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/21/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The references listed on the Information Disclosure Statement filed on July 21, 2005 have been considered by examiner; see attached PTO-1449.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103 as being unpatentable over McLoone (U.S. Patent 6700564) in view of Cepeda (U.S. Patent 6724365).

As for claim 1, McLoone discloses scrolling device for scrolling a two-dimensional window (i.e. display screen 2), the window having a first scroll and a second scroll (i.e. since in multiple directions scrolling along (X, Y) axis in context of computer user

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actions infers scrolling the two scroll of the subject window) (see Fig 1, col. 4, lines 11-18), the scrolling device comprising:

a flexible base (112 and 73) (see Fig 15, 16);

a scroll wheel (40) rotatably connected to the flexible base, and the first scroll of the window scrolling in a first direction when the scroll wheel being rotating and the first scroll of the window scrolling in a first direction when the scroll wheel being rotating; and a first switch(76), second scroll for scrolling second direction (i.e. a lateral movement does activate a lateral scrolling on a second axis) see (col. 6, lines 15-20);

McLoone does not explicitly teach a first switch positioned next to the flexible base, wherein the first switch is turned on as the scroll wheel is forced to press the flexible base so as to scroll the second scroll of the window in a second direction, Cepeda teaches a first switch (76) positioned next to the flexible base (74), wherein the first switch is turned on as the scroll wheel is forced to press the flexible base (see col. 3, lines 27-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the switch and flexible base of Cepeda in addition to the multidirectional scrolling system of McLoone; where the multi-axis functionality is complimented with the added scroll press-down key for added control in order, "to allow for an auto scroll function which enable the user to click or depress the

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wheel button to read a document while the document scroll automatically" (Cepeda Col. 1, Line 22-27).

As for claim 2, McLoone teaches the scrolling device as claimed in claim 1, wherein the first direction is substantially perpendicular to the second direction (i.e. by definition X and Y axis are perpendicular) (see col. 6, lines 15-20).

As for claim 3, Cepeda teaches the scrolling device as claimed in claim 1, wherein the flexible base comprises:

a pedestal (62);

a resilient device(74) connected to the pedestal;

and a holder (60) connected to the resilient device (74) and being supporting the scroll wheel ( i.e. the flexible element (74) is engaged with the bracket (holder), there for supporting it) (see col. 3, lines 27-35).

As for claim 4, McLoone teaches the scrolling device as claimed in claim 1, further comprising a first side board (the surface that support the sensor 76) (see Fig 12, 13) located next to the flexible base, and the first switch (76) being disposed on the first side board (i.e. the spring is the sensor that is activated when it is compressed) see ( Col. 8, Lines 45-55).

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As for claim 5, note the discussion in claim 1, McLoone teaches a first side board (i.e. the surface supporting the switch 74) see (Fig 12, 13) located next to the flexible base (i.e. the flexible switch of Cepeda ), and positioned the first switch (76) thereon;

a second side board (i.e. the surface opposite the first surface where that supporting the opposite switch), located next to the flexible base (i.e. the flexible switch of Cepeda) stand opposite to the first side board;

and a second switch (76) disposed on the second side board; wherein the second switch is turned on as the scroll wheel (40) is forced to press the flexible base so as to scroll the second scroll of the window in a third direction, and the third direction is substantially opposite to the second direction (i.e. where the switch taught by Cepeda is engaged and then the spring sensor (76) on the opposite side of the wheel indicate the scroll activation) (see col. 8, lines 45-55 of McLoone and col. 3, lines 26-32 Cepeda).

As for claim 6, McLoone teaches the scrolling device as claimed in claim 1, wherein the scrolling device is positioned in a mouse.

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### ***Conclusion***

Shu (U.S. Patent 6188393), is cited to teach about the movement of the scroll bar that make it obvious the equivalence of the (X,Y) axis is identical in nature as the scrolls of the window.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571) 270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

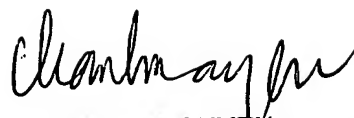
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Calvin Ma  
February 28, 2007

A handwritten signature in black ink, appearing to read 'Chanh D. Nguyen', written in a cursive style.

CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER